

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**REGINA RAYE GONZALES**

Registered Nurse License No. 674963

Respondent.

Case No. 2011-909  
OAH No. 2011060160

I hereby certify the  
foregoing to be a true copy  
of the documents on file in our office.

BOARD OF REGISTERED NURSING

*Louise R. Bailey M.Ed., RN*  
Louise R. Bailey, M. Ed., RN  
Interim Executive Officer



**DECISION**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 3, 2012.

IT IS SO ORDERED this July 3, 2012.

Erin Niemel  
Temporary Chair  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 NICOLE R. COOK  
Deputy Attorney General  
4 State Bar No. 263607  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2143  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **REGINA RAYE GONZALES**  
13 **12951 Cascade Street**  
14 **Yucaipa, CA 92399**

15 **Registered Nurse License No. 674963**

16 Respondent.

Case No. 2011-909

OAH No. 2011060160

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
22 Registered Nursing. She brought this action solely in her official capacity and is represented in  
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Nicole R. Cook,  
24 Deputy Attorney General.

25 2. Regina Raye Gonzales (Respondent) is represented in this proceeding by attorney  
26 Jennille A. Smith, whose address is Smith & Zimmerman, 1300 Clay Street, Ste. 600, Oakland,  
27 CA 94612.  
28

3. On or about March 3, 2006, the Board of Registered Nursing issued Registered Nurse License No. 674963 to Regina Raye Gonzales (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2011-909 and will expire on October 31, 2013, unless renewed.

## JURISDICTION

4. Accusation No. 2011-909 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 5, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2011-909 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2011-909. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 2011-909, if proven at a hearing, constitute cause for imposing discipline upon her Registered Nurse License.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.

10. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

**ORDER**

IT IS HEREBY ORDERED that Registered Nurse License No. 674963, issued to Respondent Regina Raye Gonzales, is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Registered Nursing.

2. Respondent shall lose all rights and privileges as a registered nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2011-909 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$2,240.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2011-909 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.


7. Respondent shall not apply for licensure or petition for reinstatement for one (1) year from the effective date of the Board of Registered Nursing's Decision and Order.

**ACCEPTANCE**

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Jennille A. Smith. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED:

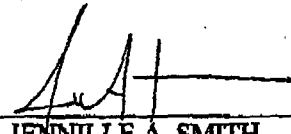
12/12/11

  
REGINA RAYE GONZALES  
Respondent

I have read and fully discussed with Respondent Regina Raye Gonzales the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED:

12/12/2011

  
JENNILLE A. SMITH  
Attorney for Respondent

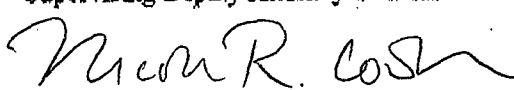
**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 12/12/2011

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General

  
NICOLE R. COOK  
Deputy Attorney General  
Attorneys for Complainant

SD2011800296  
80577019.doc

**Exhibit A**

**Accusation No. 2011-909**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 NICOLE R. COOK  
Deputy Attorney General  
4 State Bar No. 263607  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2143  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11  
12 In the Matter of the Accusation Against:

13 **REGINA RAYE GONZALES**  
14 **11960 First Street**  
**Yucaipa, CA 92399**

15 **Registered Nurse License No. 674963**

16 Respondent.

Case No. **2011-909**

**ACCUSATION**

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about March 3, 2006, the Board of Registered Nursing issued Registered Nurse  
24 License Number 674963 to Regina Raye Gonzales (Respondent). The Registered Nurse License  
25 was in full force and effect at all times relevant to the charges brought herein and will expire on  
26 October 31, 2011, unless renewed.



1	2
3	4
5	6
7	8
9	10
11	12
13	14
15	16
17	18
19	20
21	22
23	24
25	26
27	28

2  
3

5  
6  
7  
8

9  
10  
11

12

13  
14  
15  
16  
17  
18  
19

## 20

21

22  
23

24

25

26  
27  
28

1 8. Section 492 of the Code states:

2 Notwithstanding any other provision of law, successful completion of any  
3 diversion program under the Penal Code, or successful completion of an alcohol  
4 and drug problem assessment program under Article 5 (commencing with section  
5 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any  
6 agency established under Division 2 ([Healing Arts] commencing with Section  
7 500) of this code, or any initiative act referred to in that division, from taking  
8 disciplinary action against a licensee or from denying a license for professional  
9 misconduct, notwithstanding that evidence of that misconduct may be recorded in  
10 a record pertaining to an arrest.

11 This section shall not be construed to apply to any drug diversion program  
12 operated by any agency established under Division 2 (commencing with Section  
13 500) of this code, or any initiative act referred to in that division.

14 9. Section 493 of the Code states:

15 Notwithstanding any other provision of law, in a proceeding conducted by a  
16 board within the department pursuant to law to deny an application for a license or  
17 to suspend or revoke a license or otherwise take disciplinary action against a  
18 person who holds a license, upon the ground that the applicant or the licensee has  
19 been convicted of a crime substantially related to the qualifications, functions, and  
20 duties of the licensee in question, the record of conviction of the crime shall be  
21 conclusive evidence of the fact that the conviction occurred, but only of that fact,  
22 and the board may inquire into the circumstances surrounding the commission of  
23 the crime in order to fix the degree of discipline or to determine if the conviction is  
24 substantially related to the qualifications, functions, and duties of the licensee in  
25 question.

26 As used in this section, "license" includes "certificate," "permit,"  
27 "authority," and "registration."

28 10. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse  
or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct.

.....

(d) Violating or attempting to violate, directly or indirectly, or assisting in  
or abetting the violating of, or conspiring to violate any provision or term of this  
chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

1  
2 (f) Conviction of a felony or of any offense substantially related to the  
3 qualifications, functions, and duties of a registered nurse, in which event the record  
4 of the conviction shall be conclusive evidence thereof.

5 11. Section 2762 of the Code states:

6 In addition to other acts constituting unprofessional conduct within the  
7 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for  
8 a person licensed under this chapter to do any of the following:

9 (a) Obtain or possess in violation of law, or prescribe, or except as directed  
10 by a licensed physician and surgeon, dentist, or podiatrist administer to himself or  
11 herself, or furnish or administer to another, any controlled substance as defined in  
12 Division 10 (commencing with Section 11000) of the Health and Safety Code or  
13 any dangerous drug or dangerous device as defined in Section 4022.

14 (b) Use any controlled substance as defined in Division 10 (commencing  
15 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
16 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent  
17 or in a manner dangerous or injurious to himself or herself, any other person, or  
18 the public or to the extent that such use impairs his or her ability to conduct with  
19 safety to the public the practice authorized by his or her license.

20 (c) Be convicted of a criminal offense involving the prescription,  
21 consumption, or self-administration of any of the substances described in  
22 subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
23 record pertaining to, the substances described in subdivision (a) of this section, in  
24 which event the record of the conviction is conclusive evidence thereof.

25 12. Section 2765 of the Code states:

26 A plea or verdict of guilty or a conviction following a plea of nolo  
27 contendere made to a charge substantially related to the qualifications, functions  
28 and duties of a registered nurse is deemed to be a conviction within the meaning of  
this article. The board may order the license or certificate suspended or revoked, or  
may decline to issue a license or certificate, when the time for appeal has elapsed,  
or the judgment of conviction has been affirmed on appeal or when an order  
granting probation is made suspending the imposition of sentence, irrespective of a  
subsequent order under the provisions of Section 1203.4 of the Penal Code  
allowing such person to withdraw his or her plea of guilty and to enter a plea of  
not guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
information or indictment.

1 13. Section 2770.11 of the Code states:

2 (a) Each registered nurse who requests participation in a diversion program  
3 shall agree to cooperate with the rehabilitation program designed by a committee.  
4 Any failure to comply with the provisions of a rehabilitation program may result in  
5 termination of the registered nurse's participation in a program. The name and  
6 license number of a registered nurse who is terminated for any reason, other than  
7 successful completion, shall be reported to the board's enforcement program.

8 (b) If a committee determines that a registered nurse, who is denied  
9 admission into the program or terminated from the program, presents a threat to  
10 the public or his or her own health and safety, the committee shall report the name  
11 and license number, along with a copy of all diversion records for that registered  
12 nurse, to the board's enforcement program. The board may use any of the records  
13 it receives under this subdivision in any disciplinary proceeding.

14 14. Section 2770.12 of the Code states:

15 (a) After a committee in its discretion has determined that a registered nurse  
16 has successfully completed the diversion program, all records pertaining to the  
17 registered nurse's participation in the diversion program shall be purged.

18 (b) All board and committee records and records of a proceeding pertaining  
19 to the participation of a registered nurse in the diversion program shall be kept  
20 confidential and are not subject to discovery or subpoena, except as specified in  
21 subdivision (b) of Section 2770.11 and subdivision (c).

22 (c) A registered nurse shall be deemed to have waived any rights granted by  
23 any laws and regulations relating to confidentiality of the diversion program, if he  
24 or she does any of the following:

25 (1) Presents information relating to any aspect of the diversion program  
26 during any stage of the disciplinary process subsequent to the filing of an  
27 accusation, statement of issues, or petition to compel an examination pursuant to  
28 Article 12.5 (commencing with Section 820) of Chapter 1. The waiver shall be  
limited to information necessary to verify or refute any information disclosed by  
the registered nurse.

(2) Files a lawsuit against the board relating to any aspect of the  
diversion program.

(3) Claims in defense to a disciplinary action, based on a complaint that  
led to the registered nurse's participation in the diversion program, that he or she  
was prejudiced by the length of time that passed between the alleged violation and  
the filing of the accusation. The waiver shall be limited to information necessary  
to document the length of time the registered nurse participated in the diversion  
program.

REGULATORY PROVISIONS

15. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

16. California Code of Regulations, title 16, section 1445 states:

....

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the license has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

**COST RECOVERY**

17. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**DRUGS**

18. Ativan, the brand name for lorazepam, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(16), and is a dangerous drug pursuant to Business and Professions Code section 4022. Ativan is used in the treatment of anxiety disorders and for short-term (up to 4 months) relief of the symptoms of anxiety.

19. Benadryl, the brand name for diphenhydramine is a dangerous drug pursuant to Business and Professions Code section 4022. Benadryl is an antihistamine used to treat the symptoms of allergies, the common cold, motion sickness, and to induce sleep.

20. Dilaudid, a brand name for hydromorphone, is a Schedule II controlled substance as designated by Health and Safety Code Section 11055(b)(1)(K) and is a dangerous drug pursuant to Business and Professions Code section 4022. Dilaudid is a narcotic analgesic prescribed for the relief of moderate to severe pain.

21. Haloperidol, the generic name for Haldol, is a tranquilizer used to relieve anxiety and tension in the treatment of schizophrenia and other psychiatric disorders and is a dangerous drug pursuant to Business and Professions Code section 4022.

22. Morphine/Morphine Sulfate is a Schedule II controlled substance pursuant to Health and Safety Code section 11055(b)(1)(M) and is a dangerous drug pursuant to Business and Professions Code section 4022. Morphine is in a class of drugs called narcotic analgesics and is used to treat pain.

23. Oxazepam, sold under the brand name Serax, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(23), is a dangerous drug pursuant to Business and Professions Code section 4022. Oxazepam is used to treat anxiety disorders or alcohol withdrawal symptoms.

1 24. Phenergan, a brand name for promethazine, is an antihistamine and is a dangerous  
2 drug pursuant to Business and Professions Code section 4022.

3 25. Restoril, a brand name for temazepam, is a Schedule IV controlled substance as  
4 designated by Health and Safety Code Section 11057(d)(29), and is a dangerous drug pursuant to  
5 Business and Professions Code section 4022. Restoril is a central nervous depressant used to  
6 treat insomnia and sleep disorders.

7 26. Soma, sold generically as carisoprodol, is a Schedule IV controlled substance under  
8 Health and Safety Code section 11057, subdivision (d)(17), and is a dangerous drug pursuant to  
9 Business and Professions Code section 4022.

10 **FACTUAL ALLEGATIONS**

11 27. Respondent was employed as a registered flight nurse at Desert Air Ambulance Inc.,  
12 located in Blythe, California, from 2008 to March 18, 2009. On or about March 18, 2009, T.S.,  
13 the owner of Desert Air Ambulance Inc., was notified by staff during the shift change, that  
14 Dilaudid was missing from the drug count. T.S. was also informed by a flight medic that  
15 Respondent had puncture marks on her hands. Per company policy, T.S. asked all oncoming and  
16 off-going staff to remain at the facility so that drug testing could be performed. T.S. also ordered  
17 staff to pull all of the drugs so that she could perform an inventory. Before T.S. could count the  
18 narcotics, Respondent came into T.S.' office and stated that she found the missing Dilaudid in her  
19 flight suit which was in the crew quarters. Respondent handed T.S. a syringe filled with a clear  
20 liquid and taped to the syringe was an empty vial labeled as Dilaudid. T.S. became suspicious  
21 because there were no call outs within the past 2 days thus there was no reason for Respondent to  
22 have any pharmaceuticals in her flight suit. T.S. questioned Respondent about the narcotic and  
23 Respondent stated that she loaded the syringe with the drug so that she could use it on a patient  
24 but she did not end up using the drug. T.S. noticed that Respondent's demeanor was different  
25 than usual: Respondent would not make eye contact, her gait was unsteady and her speech was  
26 impaired.

27 ///

28 ///

1 28. T.S. then removed all of the drugs that were located in the safe along with all  
2 narcotics from the flight drug bag in order to perform an inventory. Immediately, T.S. noticed  
3 that the narcotics in the flight drug bag had been tampered with. T.S. observed that the seals of  
4 the vials were broken and the tops of the vials had been glued back on. She also noticed a  
5 puncture mark in the tops of the single dose vials and the single dose tubex. T.S. observed that  
6 the vials were filled with a clear substance that appeared to be saline. When T.S. confronted staff  
7 about the narcotics, nobody claimed responsibility and Respondent avoided making eye contact  
8 with T.S.

9 29. T.S. then asked Respondent to come into her office. When T.S. instructed  
10 Respondent to roll up her sleeves, T.S. observed that Respondent had visible and fresh "track  
11 marks" or injection sites on her upper arms. Respondent then admitted to T.S. that she had a drug  
12 problem and that she was stealing narcotics. T.S. admitted that she tampered with the narcotics.

13 30. T.S. then contacted the Blythe Police Department for further investigation. Several  
14 officers from the Blythe Police Department arrived at the facility and conducted an investigation.  
15 During the officer's investigation, Respondent admitted to the officers that she had items in her  
16 vehicle, specifically, in the trunk of her vehicle. A detective opened Respondent's trunk and  
17 located several items in a backpack. Respondent admitted to officers that she took narcotics from  
18 her employer. Respondent admitted that she took the medication from the flight bag that was left  
19 in the crew quarters as well as from the office storage area. Respondent took the narcotics over a  
20 three to four week period. She informed officers that she had a drug addiction and injected  
21 narcotics into her arms, hands, ankles and feet. Respondent admitted that she re-filled the used  
22 vials with saline solutions. Respondent also admitted that the last time she had used any of the  
23 narcotics was on March 17, 2009 at approximately 11:00 a.m. and that on the morning of March  
24 18, 2009, she had taken Benadryl.

25 31. The narcotics that Respondent tampered with were the facility's entire supply of  
26 Morphine, Ativan, and Dilaudid. Specifically, the narcotics Respondent tampered with were as  
27 follows:

28 ///



Drug	Quantity
Morphine 4 mg/ml (tubex <sup>1</sup> )	11
Lorazepam 2 mg/ml (vials)	31
Diphenhydramine 50 mg/ml tubex 10 ml NS preloaded syringe	1
Hydromorphone 2 mg/ml tubex with 10 ml NS preloaded	1

32. Officers searched Respondent's vehicle and discovered several vials and tubex of pharmaceutical drugs in the exterior zipper compartments. Some of the vials and tubex appeared to be empty and some had fluid inside. The officers also discovered tubes of "super glue" and a butterfly needle that had blood in and around it as if it were used. Officers located the following drugs in Respondent's vehicle:

Drug	Quantity
Hydromorphone 2 mg/ml (tubex)	1
Diphenhydramine 50 mg/ml (tubex)	3
Morphine 10 mg/ml (tubex)	1
Lorazepam 2 mg/ml (vial)	3
Haloperidol 5 mg/ml (vial)	1
Dilaudid 2 mg (ampule <sup>2</sup> )- empty	2
Promethazine 25 mg/ml (ampule)- empty	1

33. On or about June 2, 2009, a felony complaint was filed in the criminal proceeding entitled *The People of the State of California v. Regina Raye Gonzales*, in Riverside Superior Court Case number BLF005185 against Respondent for violating Penal Code section 503,

<sup>1</sup> Tubex is trademark for a unit consisting of a cartridge with an attached needle that screws onto a plunger. The cartridge may be empty or prefilled with a standard dose of a medication. As the plunger is depressed, forcing the diaphragm into the cartridge, medication is forced out through the needle. The cartridge needle unit is disposable. The plunger requires no special care and is reusable.

<sup>2</sup> An ampule is a sealed glass or plastic capsule containing one dose of a drug in the form of a sterile solution for injection.

1 embezzlement of narcotics; Penal Code section 496(a), receiving stolen property; Health and  
2 Safety Code section 11350, unlawfully possessing a controlled substance; and Business and  
3 Professions Code section 4140, unlawfully possessing a hypodermic needle and syringe. On or  
4 about July 16, 2009, Respondent pled guilty to violation of Penal Code section 503,  
5 embezzlement, a misdemeanor. Respondent also pled guilty to violation of Health and Safety  
6 Code section 11350(a), possession of controlled substances, but was granted deferred entry of  
7 judgment pursuant to Penal Code section 1000. The balance of the complaint was dismissed.

8 34. As a result of her conviction for embezzlement of narcotics, Respondent was  
9 sentenced to serve 36 months of summary probation. As terms of her probation, Respondent was  
10 ordered to pay all fines and fees, required to pay restitution, ordered to refrain from the use or  
11 possession of controlled substances, and ordered to serve 60 days in county jail, however, the  
12 Court permitted Respondent to apply her time in a rehabilitation program to be served in lieu of  
13 jail time.

14 35. On or about March 24, 2009, Respondent contacted the Board of Registered  
15 Nursing's MAXIMUS Diversion Program to voluntarily participate in the program. During her  
16 intake interview, Respondent admitted that her problems with drugs began in 2006-2007.  
17 Respondent admitted that she began diverting narcotics from her employer in the beginning of  
18 March, 2009. Specifically, she admitted to diverting Ativan, Dilaudid and Morphine. She also  
19 admitted to diverting the waste rather than discarding it according to established protocol.

20 36. By enrolling in MAXIMUS, Respondent agreed to abstain from the use of over-the-  
21 counter drugs, alcohol, and all other mind-altering drugs unless prescribed, agreed not to return to  
22 work until authorized to do so, agreed to submit copies of prescriptions for all prescription  
23 medications she was currently taking, agreed to attend weekly 12-step meetings, agreed to self-  
24 report her compliance on a monthly basis, agreed to attend Nurse Support Group (NSG)  
25 meetings, agreed to contact her Clinical Case Manager (CCM) no less than once per week, and  
26 agreed to submit to urine tests to monitor drug and alcohol usage, among other terms.

27 37. On or about June 8, 2009, Respondent self-reported to her CCM that she relapsed by  
28 using Soma from June 6, 2009 to June 7, 2009. Respondent admitted that she "could not deal

1 with the stress." Thereafter, Respondent was required to participate in a 30 day inpatient  
2 treatment program.

3 38. On or about May 11, 2010, Respondent tested positive for Temazepam 108 ng/ml.  
4 On or about May 19, 2010, Respondent tested positive for Oxazepam 204 ng/ml and Temazepam  
5 140 ng/ml. Respondent admitted to her CCM on May 25, 2010 that she was taking her friend's  
6 mother's Zoloft because she could not afford it on her own. She admitted that her friend's mother  
7 gave her the medication and that she never checked to ensure that the pills were actually Zoloft.  
8 Thereafter, Respondent was required to participate in a 60 day inpatient treatment program.

9 39. On or about February 26, 2011, Respondent tested positive for Hydromorphone 313  
10 ng/ml and morphine 10,968 ng/ml. Respondent admitted to her CCM that she took a pill of  
11 Morphine from her aunt's house for some back pain she was experiencing. On or about March  
12 22, 2011, Respondent was terminated from MAXIMUS for non-compliance and deemed a public  
13 risk due to her inability to maintain sobriety.

14 **FIRST CAUSE FOR DISCIPLINE**

15 (July 16, 2009 Criminal Conviction for Embezzlement on March 18, 2009)

16 40. Respondent is subject to disciplinary action under sections 490 and 2761(f) of the  
17 Code in that on or about July 16, 2009 Respondent was convicted of violation of Penal Code  
18 section 503, embezzlement, a crime that is substantially related to the qualifications, functions,  
19 and duties of a registered nurse as set forth in paragraphs 27-34, incorporated by reference herein  
20 as if fully set forth.

21 **SECOND CAUSE FOR DISCIPLINE**

22 (Illegally Obtaining Controlled Substances)

23 41. Respondent is subject to disciplinary action under section 2762(a) of the Code for  
24 illegally obtaining or possessing controlled substances, without a prescription, as set forth in  
25 paragraphs 27-39, which are incorporated herein by reference herein, as follows:

26 A. While working as a registered nurse, Respondent illegally obtained Morphine,  
27 Lorazepam, Dilaudid, and Hydromorphone from Desert Air Ambulance, Inc.

28 B. While participating in the Board's Diversion Program, Respondent illegally

1 obtained and possessed the following: Temazepam on May 11, 2010; Oxazepam and Temazepam  
2 on May 19, 2010; and Morphine on February 26, 2011.

3 **THIRD CAUSE FOR DISCIPLINE**

4 (Used Drugs in Dangerous Manner)

5 42. Respondent is subject to disciplinary action under section 2762(b) of the Code in that  
6 Respondent used controlled substances to an extent or in a manner that was dangerous to herself  
7 or others, as set forth in paragraphs 27-39, above, which are incorporated herein by reference, as  
8 follows:

9 A. While employed as a registered nurse at Desert Air Ambulance, Inc.,  
10 Respondent illegally administered Morphine, Lorazepam, Dilaudid, and Hydromorphone to  
11 herself in a manner that was dangerous to herself or others.

12 B. While participating in the Board's Diversion Program, Respondent  
13 illegally administered to herself in a manner dangerous to herself or others, the following  
14 controlled substances: Temazepam on May 11, 2010; Oxazepam and Temazepam on May 19,  
15 2010; and Morphine on February 26, 2011.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 (Conviction of Crime Related to Drugs)

18 43. Respondent is subject to disciplinary action under 2762(c) of the Code in that on  
19 or about July 16, 2009, Respondent was convicted of embezzlement of narcotics, a criminal  
20 offense involving the possession of drugs, as set forth in paragraphs 27-34 above, which is  
21 incorporated herein by reference.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct)

24 44. Respondent is subject to disciplinary action under section 2761(a) of the Code in that  
25 Respondent exhibited general unprofessional conduct, as set forth in paragraphs 27-39, above,  
26 which are incorporated herein by reference, for the following:

27 A. Stealing and tampering with the narcotic supplies used by Desert Air Ambulance,  
28

1 Inc. for the transport of critically ill and injured patients and for re-filling controlled substances  
2 with saline solution.

3 B. Failing to comply with the Board's Diversion Program as she agreed to do.

4 **SIXTH CAUSE FOR DISCIPLINE**

5 (Violation of the Chapter)

6 45. Respondent is subject to disciplinary action under section 2761(d) of the Code for  
7 failure to comply with section 2770.11(a), as set forth in paragraphs 35-39, above, which are  
8 incorporated herein by reference, for failure to comply with the Board's diversion program.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 674963, issued to Regina  
13 Raye Gonzales;

14 2. Ordering Regina Raye Gonzales to pay the Board of Registered Nursing the  
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
16 Professions Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: 5/5/11

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

23 SD2011800296  
24 80490018.doc  
25  
26  
27  
28